

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**DUANE FRASIER
and TINA FRASIER**

V.

ALLSTATE INSURANCE COMPANY

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NO. 1:06-CV-564


**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to a Referral Order filed on September 27, 2006. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant plaintiffs' motion to dismiss and dismiss this case without prejudice.

The magistrate judge's report is hereby **ADOPTED**. Plaintiffs' motion to dismiss (Docket No. 5) is **GRANTED**. The purpose of the referral having been served, it is further

ORDERED that the reference to the magistrate judge is **VACATED**.

SIGNED this the **1** day of **December, 2006**.


Thad Heartfield
United States District Judge